

IRON COUNTY BOARD OF SUPERVISORS
Meeting Minutes for July 30, 2024
Approved

1. Meeting called to order:

Youngs called the meeting was called to order at 6:00pm in the County Board Room.

2. Pledge of Allegiance:

The pledge was recited.

3. Roll Call:

Present were Mullard, Loreti, Francis, Youngs, Thomas, Swartz, Hanson, Erickson, Lauer, Lutgen and Wolff. Absent were Haeger, Krall, Boes and Hiller.

4. Acknowledge that the meeting was properly noticed and posted:

Clerk Brandt certified that the meeting was properly noticed and posted.

5. Approve minutes of June 25, 2024 as presented:

Motion to approve the minutes as presented made by Lutgen, seconded by Francis. All yes, carried.

6. Communications:

None

7. Committee, Department Heads and Chairman's Report:

Wolf noted the opioid dollars were discussed at the Finance Committee and we are going to open a separate checking account and keep a separate GL account as well. Lutgen discussed the Memorial Building and gave an update on items that they are working on updating, lease and rental agreements. Extension had over 100 participants in the various summer camps that they offered.

Hanson noted that the recycle committee did not meet and that the electronics pick up was not going to happen in August so far. Zoning has been looking at raising fees for septic systems.

Lauer noted that Humans Services and Health Department were down at Mercer School hoping to get some programs offered there.

Swartz stated that the fair is on schedule and ready to go, all the buildings are full. Youngs thanked everyone that helped with putting the fair together.

Erickson noted that stumpage was up from last year by \$345. The parks were all full over the 4th of July weekend.

Thomas noted that Highway is working on crack seal and that County J and H in Mercer will be paved next month as well as they will be doing painting for the State at the end of August.

Francis noted that IT had just met and is looking at getting better communication with departments and push for using the help desk, as well as working on quotes for finance/software programs.

Mullard noted that he would like to see everyone at the fair this weekend.

8. Public comment pursuant to Resolution #2341:

None.

9. GIS and IT to give Presentation of Department Overview:

Neil Martinko from GIS and Danny Gardner from IT gave presentations on what they do.

10. Discuss/Approve new account and signers for Opioid funds with Chippewa Valley Bank:

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Motion to open a separate account with Chippewa Bank for the Opioid funds and have the Clerk Christan Brandt, Treasurer Clara Maki and Chairman Larry Youngs as signers on the account and that two signatures will be required for transactions made by Wolff, seconded by Lutgen. All yes, carried.

11. Rezone from A-1 (Agriculture) to RR-1 (Recreational Residential) Town of Mercer at 5655N Robin Dr, owner Theresa Palmquist:

Motion to approve the rezone made by Hanson, seconded by Lauer. All yes, carried.

12. Rezone from F-1 (Forestry) to R-3 (Rural Residential) Town of Mercer at 7009W Dahlbacka Road, owners Brian and Jessica Piasecki:

Motion to approve the rezone made by Francis, seconded by Mullard. All yes, carried.

13. Discuss/Action Resolution 2024-3068 Authorizing Iron County to enter into Settlement Agreement with Kroger Co. and Agree to Terms and Addendum two to the MOU Allocating Settlement Agreement Proceeds.

RESOLUTION NO. 2024-3068

Authorizing Iron County to Enter Into the Settlement Agreement with The Kroger Co. and Agree to the Terms of Addendum Two to the MOU Allocating Settlement Proceeds

WHEREAS, the County Board of Supervisors previously authorized the County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the “Law Firms”) to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the County’s expenditure of vast money and resources to combat the opioid epidemic;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants;

WHEREAS, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned *In re: Opioid Litigation*, MDL 2804 (the “Litigation”);

WHEREAS, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired separate counsel and joined the Litigation;

WHEREAS, since the inception of the Litigation, the Law Firms have coordinated with counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare the County’s case for trial and engage in extensive settlement discussions with the Opioid Defendants;

WHEREAS, the settlement discussions with The Kroger Co. (the “Settling Defendant”) resulted in a tentative agreement as to settlement terms pending agreement from the County and other plaintiffs involved in the Litigation;

WHEREAS, copies of the settlement agreement relating to the Settling Defendant (“Settlement Agreement”) representing the terms of the tentative settlement agreement with the Settling Defendant has been made available at <https://nationalopioidsettlement.com/wp-content/uploads/2024/05/Kroger-Multistate-Settlement-Agreement-Circulated-to-States-March-25-2024.pdf>;

WHEREAS, the Settlement Agreement provides, among other things, for the payment of certain sums to Participating Subdivisions (as defined in the Settlement Agreement) upon the occurrence of certain events detailed in the Settlement Agreement;

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WHEREAS, the County is a Participating Subdivision in the Settlement Agreement and has the opportunity to participate in the benefits associated with the Settlement Agreement provided the County (a) approves the Settlement Agreement; (b) approves the Addendum Two to the Memorandum of Understanding allocating proceeds from the Settlement Agreement (“MOU”) among the various Wisconsin Participating Subdivisions, a copy of which is attached to this Resolution (“Addendum Two”); and (c) the Legislature’s Joint Committee on Finance approves the terms of the Settlement Agreement;

WHEREAS, pursuant to Section 12 of the State-Local MOU entered into between the Wisconsin Participating Subdivisions and the Attorney General of the State of Wisconsin (“State-Local MOU”), the Attorney General has provided notice that the terms of the State-Local MOU shall apply to the Settlement Agreement and all proceeds of such Settlement Agreement;

WHEREAS, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes relating to the settlement of all or part of the Litigation;

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the Legislature’s Joint Committee on Finance is required to approve the Settlement Agreement;

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the proceeds from any settlement of all or part of the Litigation are distributed 70% to local governments in Wisconsin that are parties to the Litigation and 30% to the State;

WHEREAS, Wis. Stat. § 165.12(4)(b)2. provides the proceeds from the Settlement Agreement must be deposited in a segregated account (the “Opioid Abatement Account”) and may be expended only for approved uses for opioid abatement as provided in the Settlement Agreement;

WHEREAS, Wis. Stat. § 165.12(7) bars claims from any Wisconsin local government against the Opioid Defendants filed after June 1, 2021;

WHEREAS, the definition of Participating Subdivisions in the Settlement Agreement recognizes a statutory bar on claims such as that set forth in Wis. Stat. § 165.12(7) and, as a result, the only Participating Subdivisions in Wisconsin are those counties and municipalities that were parties to the Litigation (or otherwise actively litigating a claim against one, some, or all of the Opioid Defendants) as of June 1, 2021;

WHEREAS, the Legislature’s Joint Committee on Finance is not statutorily authorized or required to approve the allocation of proceeds of the Settlement Agreement among Wisconsin Participating Subdivisions;

WHEREAS, the Wisconsin Participating Subdivisions previously negotiated and approved the allocation of proceeds among themselves, which allocation is reflected in Exhibit A to the MOU, which is an agreement between all of the entities identified in the Allocation MOU as to how the proceeds payable to those entities under the Settlement Agreements will be allocated;

WHEREAS, the County and all other Wisconsin Participating Subdivisions agreed to and entered into that certain Addendum to the MOU (“Addendum One”) that provided for allocation of settlement proceeds from previous settlements with certain pharmacies and manufacturers according to the same percentages as that provided in the MOU;

WHEREAS, the County has been informed as to the deadlines related to the effective dates of the Settlement Agreement, the ramifications associated with the County’s refusal to enter into the Settlement Agreement, the form of Addendum Two and an overview of the process for finalizing the Settlement Agreements and such information, together with additional resources related to the settlement can be found at <https://nationalopioidsettlement.com/kroger-co-settlement/>;

WHEREAS, the County, by this Resolution, shall deposit the proceeds of the Settlement Agreement consistent with the terms of this Resolution and Wis. Stat. § 165.12(4)(b);

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WHEREAS, pursuant to the County's engagement agreement with the Law Firms, the County shall pay up to an amount equal to 25% of the proceeds from successful resolution of all or part of the Litigation, whether through settlement or otherwise, plus the Law Firms' costs and disbursements, to the Law Firms as compensation for the Law Firms' efforts in the Litigation and any settlement;

WHEREAS, the Law Firms anticipate making application to the national fee fund established in the Settlement Agreement seeking payment, in whole or part, of the fees, costs, and disbursements owed the Law Firms pursuant to the engagement agreement with the County;

WHEREAS, it is anticipated the amount of any award from the fee fund established in the Settlement Agreements will be insufficient to satisfy the County's obligations under the engagement agreement with the Law Firms;

WHEREAS, the County, by this Resolution, and pursuant to the authority granted the County in the applicable Order emanating from the Litigation in relation to the Settlement Agreement and payment of attorney fees, shall authorize and direct the escrow agent responsible for the receipt and distribution of the proceeds from the Settlement Agreement to establish an account for the purpose of segregating funds to pay the fees, costs, and disbursements of the Law Firms owed by the County (the "Attorney Fees Account") in order to fund a local "backstop" for payment of the fees, costs, and disbursements of the Law Firms;

WHEREAS, in no event shall payments to the Law Firms out of the Attorney Fees Account and the fee fund established in the Settlement Agreement exceed an amount equal to 25% of the amounts allocated to the County by virtue of the Addendum Two (Exhibit A to the MOU);

WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreement, the Addendum Two, establish the County's Opioid Abatement Account, and establish the Attorney Fees Account; and

WHEREAS, the County, by this Resolution, shall authorize the County's corporation counsel to finalize and execute any other document or agreement necessary to effectuate the Settlement Agreement and the other agreements referenced herein;

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby approves:

1. The execution of the Settlement Agreement and any and all documents ancillary thereto and authorizes the [Board Chair] or designee to execute same.
2. The final negotiation and execution of Addendum Two in form substantially similar to that presented with this Resolution and any and all documents ancillary thereto and authorizes the [Board Chair] or designee to execute same upon finalization provided the percentage share identified as allocated to the County is substantially similar to that identified in the Addendum Two provided to the Board with this Resolution.
3. The execution by the [Board Chair] or designee of any additional documents or agreements for the receipt and disbursement of the proceeds of the Settlement Agreement.

BE IT FURTHER RESOLVED: all proceeds from the Settlement Agreement not otherwise directed to the Attorney Fees Account shall be deposited in the County's Opioid Abatement Account. The Opioid Abatement Account shall be administered consistent with the terms of this Resolution, Wis. Stat. § 165.12(4), and the Settlement Agreement.

BE IT FURTHER RESOLVED: the County hereby authorizes the establishment of an account separate and distinct from any account containing funds allocated or allocable to the County which shall be referred to by the County as the "Attorney Fees Account." An escrow agent shall deposit a sum equal to up to, but in no event exceeding, an amount equal to 20% of the County's proceeds from the

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Settlement Agreement into the Attorney Fees Account. If the payments to the County are not enough to fully fund the Attorney Fees Account as provided herein because such payments are made over time, the Attorney Fees Account shall be funded by placing up to, but in no event exceeding, an amount equal to 20% of the proceeds from the Settlement Agreement attributable to Local Governments (as that term is defined in the MOU) into the Attorney Fees Account for each payment. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and disbursements owed to the Law Firms pursuant to the engagement agreement between the County and the Law Firms provided, however, the Law Firms shall receive no more than that to which they are entitled under their fee contract when considering the amounts paid the Law Firms from the fee fund established in the Settlement Agreement and allocable to the County. The Law Firms may make application for payment from the Attorney Fees Account at any time and the County shall cooperate with the Law Firms in executing any documents necessary for the escrow agent to make payments out of the Attorney Fees Account.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Motion to approve Resolution 2024-3068 made by Lutgen, seconded by Lauer. All yes, carried.

14. Discuss/Action for 2024 Iron County Child Support Agency Review for Correction on Audit Findings.

The report noted that the protective door has a key punch and it should either be a key or a key fob. Since we already have the key fobs we can just use those but our system only has room for one more door to be programed and we need two. The total cost would be approximately \$3000.00 but the state pays 66% of this. The time frame that this needs to be completed would be by the end of the year.

Motion to approve made by Erickson, seconded by Loreti. All yes, carried.

15. Discuss/Action Resolution 2024-3069 Mental Health Community Support Program

RESOLUTION NO. 2024-3069

STATE INVESTMENT IN MENTAL HEALTH FUDING

WHEREAS, Iron County is concerned that the public mental health system in Wisconsin is in need of additional resources to respond appropriately to the needs of individuals with persistent mental illness and those experiencing a mental health crisis; and

WHEREAS, state law designates counties with the responsibility for the well-being, treatment, and care of individuals with mental illness, and serving those without private insurance coverage; and

WHEREAS, the Medical Assistance program (MA) covers an array of mental health services, ranging from office-based therapy to inpatient hospitalization, and many of these services are delivered by counties; and

WHEREAS, Community Support Programs (CSP) offer intensive community-based care for adults whose mental illness and functional limitations might otherwise require them to need institutionalized care. Counties use CSP services to keep people out of extended hospitalizations and support people in the community following emergency detentions; and

WHEREAS, counties are required to provide Crisis intervention services including an emergency mental health services program to serve persons in crisis situations; at a minimum, 24-hour crisis telephone service and 24-hour in-person response on an on-call basis; and

WHEREAS, while the state pays the full cost of most MA services, when it comes to county-based CSP and Crisis mental health services, the county finances the cost of the services up front, and receives MA reimbursement for only the federal share for that service, and

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WHEREAS, Community Aids funding has not kept pace over the years with increased county costs for services, resulting in counties bearing a disproportionate share of CSP and Crisis service costs from county tax levy; and

WHEREAS, counties are limited in their capacity to use tax levy revenue due to state levy limits, so the lack of Community Aids increases combined with strict property tax controls makes it difficult for counties to maintain Crisis and CSP services; and

WHEREAS, in addition to the costs to county human service departments, counties and municipalities also incur law enforcement costs to transport and provide security for persons in a crisis; and

WHEREAS, the awareness of the 988 National Suicide & Crisis Lifeline has made mental health assessment and referral more readily available, resulting in more demand on the mental health crisis systems; and

WHEREAS, stagnant state funding results in variations in the extent of services available across counties, wait lists for services, and eligible people receiving limited services; and

WHEREAS, the limited state funding for Crisis services makes it difficult for counties to implement new evidence-based services, such as mobile crisis workers that could meet law enforcement officers in the field for crisis calls, that would reduce the need for law enforcement involvement and provide a more trauma-informed response to crisis situations, and;

WHEREAS, Wisconsin's counties continue to cover the costs of mental health services for individuals who are not Medicaid eligible, and;

NOW, THEREFORE, BE IT RESOLVED: that the Iron County Board of Supervisors does hereby request that the state of Wisconsin, in its 2025-27 state biennial budget, provide state GPR funding to cover the full non-federal share of MA CSP and Crisis services, and;

BE IT FURTHER RESOLVED, that the Iron County Clerk is hereby authorized and directed to send a copy of this Resolution to the Governor of the State of Wisconsin, Wisconsin State Legislators with a constituency within Iron County, and the Wisconsin Counties Association.

Motion to approve Resolution 2024-3069 made by Erickson, seconded by Thomas. All yes, carried.

16. Discuss/ Action Resolution 2024-3070 to Recognize Dorothy and Joseph Walesewicz

Iron County Board Of Supervisors

Resolution No. 2024-3070

To Recognize Dorothy & Joseph Walesewicz

Whereas Dorothy & Joe Walesewicz, Advocates, who have devoted many years to serving families and older adults from Iron County through the Iron County Food Pantry, Hurley Senior Center, Dorothy's Treasure Room and Iron County Memorial Building; *and*

Whereas Dorothy & Joe are pillars of the community and exceptional role models for volunteerism and leadership in the non-profit - Human Services field.

Therefore, be it resolved, that the Iron County Board of Supervisors assembled this 30th day of July, 2024, formally acknowledge and extend profound appreciation to Dorothy & Joe Walesewicz and honor them for their many years of dedicated service to Iron County residents.

Motion to approve Resolution 2024-3070 made by Thomas, seconded by Erickson. All yes, carried.

17. Discuss/Action for Posting the position of Iron County Corp Counsel:

Lutgen explained that our current Corp Counsel is retiring at the end of this year, and we need to find a replacement. She has typed up a job description with brief information on requirements, qualifications and responsibilities. Would like to get this out in the papers and have the position posted, maybe we give it about a month for a deadline to get applications. The Applicants can submit their resumes and

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cover letter to the Clerk and then an interview committee can go over them. Motion to post the position made by Lauer, seconded by Hanson. All yes, carried.

18. Discuss/Action on 2025 Budget:

Wolff discussed the 2025 budget coming up. He stated that as the budgets have been coming in and the capital accounts that he is projecting a \$1.2 million budget deficit. We have had some discussions on ways to reduce the budget. There will be impacts across the board and they will not be even. The potential for layoffs, furlough, health care, review of services and services that are not mandated such as economic development and extension where there may be duplicate services.

Youngs noted that we are not the only county that is having issues and that he wanted to go around the room to each Supervisor and asked them for suggestions or ideas on ways we can cut the budget.

Mullard noted the ADRC building could be sold as there are offices in the senior building.

Loreti agreed that we could consolidate buildings as it would save on mowing, plowing, and maintenance. Francis noted that he agreed with the building and that we could raise the County sales tax as well as looking at the economic development avenues. Lauer noted contracted services should be looked at as well as the 7-and-a-half-hour workday by not paying for lunch hour, clerical staff that maybe could be shared with multiple departments. Youngs also noted that he would pick a day to have a department head meeting next week.

19. Adjournment:

Youngs adjourned the meeting at 7:31pm.

Approved: August 27, 2024

Respectfully submitted:
Christan Brandt, Iron County Clerk